

REMARKS

Claim 18 [sic 1] and claims 23, 24, 27 and 31 were objected to based on informalities. All of these claims have been amended to consistently recite "automatic mobile machine". Also, claim 24 has been amended to depend from amended claim 18 which now recites "wire".

Claims 18-21, 25-30, 32, 34-35 were rejected as being anticipated by *Reed* for the reasons set forth. Claims 21, 27, 29 and 30 have been canceled herein and this basis of rejection is moot for these claims.

Claim 18 has been amended to recite *inter alia*:

" ... a mechanical device for gripping and storing golf balls, dead leaves and paper sheets ...

a wire extending at the periphery of said surface and being detectable by a detector carried by the machine ...

wherein the automatic machine proceeds over the pick up surface at least partially in a random manner."

It is submitted that *Reed*, by its very title and abstract, is a vacuum cleaning system. As such, it is based on the generation of a vacuum within the device to draw dust, dirt and debris (column 4, lines 17-20) from, primarily, rugs and carpets (column 3, lines 28-31). There is no teaching or suggesting that the vacuum cleaner be able to draw an object as large and as heavy as a golf ball, into the collection station. In fact, the intake elongate slot 78 (FIG. 26) is not large enough to admit an object the size of a golf ball, and even if enlarged, the cleaning brush 76, extending through the slot would effectively block the intake of a golf ball. Further, Webster's New Word Dictionary, Second College Edition, Prentice Hall Press, 1984, defines:

"gripping" - to take firmly and hold fast with the hand, teeth, an instrument, etc.

The Official Action indicates that the mechanical device for gripping is the brush 76. The brush is provided with bristles. It is submitted that bristles act by pushing or sweeping and are incapable of "gripping".

Contrary thereto, the present invention, as recited in amended claim 18, is not designed for rugs and carpets and does not contain a vacuum system. The mechanical device is either a plurality of spaced-apart discs or a plurality of spikes which truly "grip" the golf ball, dead leaves and paper sheets.

The Official Action additionally implies that the room where the system is placed is the device for limiting the pickup surface. However, claim 18 recites "a wire at the periphery of said surface" and a room, in no manner, can be considered to be a "wire" or in any other way to meet the claim. Further, since the device is for use on a golf practice green (page 9, lines 1-2) it is clear that there is no motive or reason for a person skilled in the art to consider a room to be a limit to the pickup surface.

With respect to claim 24, the applicant is unable to identify, in the cited *Reed* reference, at least one fixed rail and especially the rail situated along said wire and adapted to come in contact with two side brushes. The Examiner is requested to specifically identify the rail in *Reed* by reference number, column and Figure number or to remove the basis for rejection.

Concerning claim 38, as noted above, *Reed* discloses a rotary brush 76 having bristles. Nowhere does *Reed* suggest or disclose that the bristles are spikes adapted to pierce objects. Rather, in column 8, lines 40-43 the brush is variously called a "cleaning brush" or "agitator brush".

For the above-stated reasons, it is submitted that the *Reed* reference does not describe every element of the invention as recited in amended claim 18 and claims 19, 20, 25, 26, 28, 32, 34 and 35 dependent therefrom. Accordingly, lifting of the 35 U.S.C. §102(e) basis of rejection is respectfully requested.

It is further submitted that there is no motivation for a person skilled in the art of mechanical pickup of items such as golf balls to consider a vacuum system such as disclosed in *Reed* for collection of these relatively large objects. A mobile device is disclosed by *Reed* could not be expected to produce sufficient vacuum to collect golf balls. Thus, it is submitted that claims 18, 19, 20, 25, 26, 28, 32, 34 and 35 are not obvious over *Reed*.

Claims 18-25, 27, 29-32 and 34-35 rejected under 35 U.S.C. §103(a) as being unpatentable over *Bellinger* in view of *Szymanis*. As the Examiner acknowledges, *Bellinger* fails to disclose a mechanical device of gripping and storing objects in a container. The Examiner proposes that rotation of a blade creates an air current which grips the objects. It is submitted that objects with the bulk and weight of a golf ball cannot be "gripped" by an air current within the dictionary meaning of "gripping" as stated above.

It is further submitted that both *Bellinger* and *Szymanis* are directed to lawnmowers and persons skilled in the art of collection of golf balls would not be motivated to consider lawnmowers. There is no suggestion within either of the references that they be combined in any manner.

*Szymanis* has existed since 1981 and *Bellinger* has been known since 1971. No one has considered it obvious to combine these references in any manner. Even if combined, the resulting device would be a lawnmower and would not be a mechanical device for gripping and storing golf balls.

In view of the above it is respectfully requested that the Examiner's rejections be reconsidered and withdrawn. The law is clear that references relied upon for an obviousness rejection should, in some way, suggest the applicant's claims in order that the claims be rejected.

Without some suggestion or teaching in the prior art to change the prior art to meet the applicant's claims, a rejection of the applicant's claims based on an obviousness rejection is not proper.

The law supporting the applicant's urgings of the nonobviousness of his invention is presently very clear and has historical roots which run very deep. A brief sampling of the law follows:

In Fromson v. Advanced Offset Plate, 755 F.2d 1549, 225 U.S.P.Q. 26 (Fed. Cir. 1985), the Court held that where there is nothing of record to plainly indicate that it would have been obvious to combine previously separate elements into a single structure, it is legal error to conclude that a claim to that structure is unpatentable under 35 U.S.C. §103. The Court further indicated that it is at best bizarre to assert that the subject matter is obvious in view of the cited art when no one skilled in the art appears to have attempted applicant's claimed invention during the years when the distinct advantages of applicant's invention were allegedly obviously available to the public.

In Maclaren v. B-I-W Group, Inc., 535 F.2d 1367, 1377, 1378, 190 U.S.P.Q. 513 (2<sup>nd</sup> Cir. 1986) the Court stated:

